

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 21-1903

Michael Forrest v. Wetzel et al.

(District Court No. 3:17-CV-01777)

(Note: Appellants First Attempt For Interlocutory Appeal No. 19-2612).

["ACTUAL DANGER"]

APPELLANT'S DECLARATION FOR STAY OF ALL  
PROCEEDINGS UNTIL COURT APPOINTED-RECRUIT  
MENT OF COUNSEL MAKES APPEARANCE  
28 U.S.C. § 1746

FILED  
SCRANTON  
JUN 07 2021  
PER Am  
DEPUTY CLERK

Appellant Michael Forrest hereby duly declare and verify under penalty of perjury the foregoing is true and correct:

1. Appellant moves to proceed on the original record which include DOC NOS. in his initial attempt to appeal NO. 19-2612, District Court No. 3:17-CV-1777 and precedent unpublished case No. 97-4442 Forrest V. Nedab Horn, Pa. DOC, et al, # 97-4442 (ED PA 2000-2009) expert testimony by Dr. Roger E. Farber with appointed attorneys Hoyle, Morris & Kerr LLP Todd A Schoenhaus, Esq

2. EXHIBIT #AD1: Memorandum(s) and Orders, April 21, 22, 23, 2021 by U.S. DIST CRT, MD judge Jenniffer P. Wilson, 19 pages, granting Motion for Counsel and assigned attorney Michael O'Donnell, Esq, Chair, Federal Bar Association Pro Bono Committee to recruit counsel.

3. In response to judge Wilson's Memo(s) Order(s) id supra and subject matter of this Interlocutory Appeal are:

- (a) Motion for STAY of Proceedings until Available Appointed-Recruited Attorney To provide Written Expert Testimony Reports By Dr. Roger E. Farber, Dr. George C. Neman and Dr. Kiyomi
- (b) Motion for Court Record and Continued Disclosure of Expert Reports and Testimony; Subpoenas, and Brief,
- (c) Motion for Summary Judgment and Brief,
- (d) Plaintiff's Motion/Brief in Support of Consolidated Motion to Compel Discovery and Continued Motion to Compel Discovery, Sanctions and for Protective ORDER;
- (e) Motion/Brief to Reinstate Court Stricken Supplemental Complaint (DOC 258);

4. In response to this Court's May 25, 2021 ORDER concerning Motion for Appointment of Counsel, Exhibit # AD 2 attached, appellant filed

(a) \$ 505, filing fee for Appeal ("Courtesy of Pres. Joseph R. Biden, White House")

(b) Declaration for Stay Pending Recruitment of Counsel May 28, 2021

5. The Appellant's Allegations of Imminent Danger has become "ACTUAL DANGER" by the defendant's/appellees Wetzel, Delbalso, Keldie, WCCS, Mason, Holly, Oppman, Khanum, PRC, SCF-Mahoney, PaDOC, et al failure to treat his Hepatitis C infection, resulting in stage 3 cirrhosis of his liver; and failure to comply with precedent case Forrest id supra Expert witness and appellant's primary Neurologists at Albert Einstein's prescriptive orders for pain and seizure, resulting in exacer

bated injury with the threat of death. Ibrahim v. District of Columbia, 463 F.3d 3, 6-7, 373 U.S. App. DC 217 (DC Cir. 2008) (holding that a serious disease, like Hepatitis C, that could result in serious harm or death is a serious physical injury); Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993) (disclosure and enforcement of expert testimony is required and gives all counsel freedom to question expert witnesses about alternative analysis, testing methods or approaches to the issues on which they are testifying, whether or not the expert considered them in forming the opinions expressed).

The Daubert test is particularly indispensable in this case especially when appellant alleges the defendants' Appellees censored/obliterated from their records expert testimony by Dr. Farber in Forrest supra (E.D. PA 2000-2009) consistent with more severe findings of appellants' epilepsy, paralysis and spinal damages by primary Neurologists at Albert Einstein, resulting in over 12 years solitary confinement, deliberate indifference to continuity of grand mal seizures, pain and exacerbated spinal and brain damage. Appellees Joint Motion for Summary Judgment DENIED: EXHIBIT # AD-3 (enclosed).

June 1, 2021

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Respectfully  




UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

NO. 21 1903

Michael Forrest V. Wetzel, et al

(District Court No. 3:17-CV-1777)

["ACTUAL DANGER"]

CERTIFICATE OF SERVICE

June 1, 2021 original and one (1) copy of

- 1) Appellant's Declaration For Stay Of All Proceedings Until Court Appointed - Recruit Agent of Counsel Makes Appearance
- 2) EXHIBIT# AD-1: April 21, 22, 23, 2021 Memo(s) Or ders By Judge Jennifer R. Wilson, 19 pages
- 3) EXHIBIT# AD-2: USCA's, 3rd Cir Order, May 25, 2021
- 4) EXHIBIT# AD3: DEFENDANTS' DOC BRIEF IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT, which was filed Joint by medical and non medical defen dants before judge Caputo, DENIED by judge Jennifer R Wilson, 19 pages.

was mailed by appellant Michael Forrest to:


- 5) Clerk Patricia S. Dodszeit & Case Manager Desiree US. CAS, 3rd Cir, 21400 U.S. Courthouse, 601 Market St., Phila., PA 19106
- 6) Clerk, Judge Wilson, USDC, MD PA, 235 N. Washington Ave, Scranton, PA 18501
- 7) Exhibit# AD4, May 25, 2021 Letter from Michael O'Donnell, Esq. Chair Fed. Bar Assoc PBC Returning All Mail for Counsel by placing inside separate envelopes and mailing via SCT Coal Township Abblock procedures#MX1567 Michael Forrest Respectedly  
1 Kelley Drive, Coal Township, PA 17866

Michael Forves #MX1567  
SCI-Coal Township  
1 Kelley Drive  
Coal Township PA 17866

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LEGAL MAIL

Clerk, United States District Court  
Middle District, PA  
Judge Jennifer R. Wilson  
W.J. Nealon Federal Bldg 2L  
U.S. Courthouse, R.O. Box 1148  
235 North Washington, Avenue  
Scranton, PA 18501-1148

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